

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10**

**COLLINS AND AIKMAN, d/b/a JPS AUTOMOTIVES<sup>1</sup>**

**Employer**

**and**

**Case 10-RC-15503**

**UNITED STEELWORKERS OF AMERICA**

**Petitioner**

**REGIONAL DIRECTOR'S DECISION AND  
DIRECTION OF ELECTION**

The Employer, Collins and Aikman, d/b/a JPS Automotives, is a Michigan corporation with an office and place of business located in Americus, Georgia, where it is engaged in the manufacture of automobile parts. The Petitioner, United Steelworkers of America, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a unit of all full-time and part-time production and maintenance employees employed by the Employer at its Americus facility, excluding the paint process technicians, the quality technicians, the load quality technicians, the shipping clerk, office clerical employees, professional employees, sales employees, guards and supervisors as defined in the Act.<sup>2</sup> A hearing officer of the Board held a hearing, and both parties filed briefs, which were duly considered.

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> The parties stipulated that supervisors, lead technicians, and quality technicians are supervisors within the meaning of Section 2(11) of the Act; and as such possess and exercise one or more of the following indicia of

This case presents two issues: (1) whether the employees in the product verification lab, also known as the metrology department, share a sufficient community of interest with the employees in the petitioned-for unit; and (2) whether production assistants are plant clericals or office clericals. The Employer takes the position that neither product verification employees nor production assistants share a sufficient community of interest with petitioned-for employees to warrant inclusion in the bargaining unit. To the contrary, the Petitioner contends that both categories of employee should be included in the unit.

I have considered the evidence and arguments presented by the parties on this issue. As discussed below, I have concluded that the product verification laboratory employees and production assistants, as plant clericals, share sufficient community of interest to warrant inclusion in the petitioned-for unit.

### **I. THE EMPLOYER'S OPERATIONS**

The Employer is engaged in the manufacture and painting of injection molded exterior products for the automotive and golf-cart industries. The Employer maintains a continuous three-shift operation in a plant complex comprised of several buildings. The main plant contains administrative offices and a packing area. The paint operations building is connected to the main plant in an L-shape. On the opposite end of the main plant is a free-standing but closely adjacent facility housing injection molding operations. At some distance to the right and behind the main plant is a free-standing building housing the Employer's product verification (PV) laboratory, as well as the operations of Coreflex, one of the Employer's suppliers. Access to this building from

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authorities: to hire, transfer, suspend, lay-off, promote, discharge, assign, reward, or discipline other employees or responsibly direct them, or to adjust grievances, or effectively to recommend such action or utilize independent judgment in exercising such authority. Based upon the parties' stipulation, I find employees in these enumerated classifications to be supervisors within the meaning of the Act.

other parts of the Employer's plant complex is gained by way of a pedestrian bridge over a rail spur. There is a warehouse located to the rear of the main plant.

The plant manager oversees the Employer's operations, assisted by management staff comprised of the controller, the human resources manager, the quality and engineering manager, the environmental health and safety manager, the operations manager, and the production control superintendent. Each manager oversees a supervisory staff.

The operations group comprises injection molding operations and paint operations, each of which is supervised by a general superintendent who reports to the operations manager. The injection molding operations management team is located in offices above floor-level in the injection molding building. In addition to the general superintendent, the injection molding operations team includes the injection molding engineering group, a supervisory team, and a production assistant. The paint operations team is located in an office area in the paint operations building. In addition to the general superintendent, the paint operations team includes a paint engineering group, an MIS group, and a production assistant (PA). Paint operations employees work three shifts: 8:00-4:00, 4:00-12:00, and 12:00-8:00.

The product verification laboratory is supervised by the metrology supervisor, who reports to the quality and engineering manager. The PV lab is temperature and humidity-controlled, pursuant to regulation. The remainder of the Employer's facility is not. During the annual two-week plant shutdown, PV lab employees, along with some maintenance employees, remain on the job.

All the Employer's hourly employees are classified Tech I through Tech IX. Each tech grade contains six pay steps. All hourly employees, including PAs and PV lab employees, share the same benefits and clock in at any one of several punch clocks in the facility.

## **II. THE COMPOSITION OF THE UNIT**

Community of interest principles governs the appropriateness of a given unit. In analyzing community of interest among employee groups, the Board considers bargaining history;<sup>3</sup> extent of functional integration of operations; extent of interaction and interchange among employees; similarity of skills, qualifications and work performed; extent of centralization of management and common supervision; and similarity in wages, hours, benefits and other terms and conditions of employment. In addition, it is axiomatic that the Act permits the Union to petition for an appropriate unit, and does not require it to seek the most appropriate unit, even when a different unit might be more appropriate than the petitioned-for unit. Only where the employees share such a high degree of integration of function and mutuality of interests does the Board find that only an overall unit can be appropriate. Applying these criteria to the case, I am persuaded by the record that there exists such a high degree of integration among the Employer's hourly-employees that only an expanded unit, which would include the disputed shop employees, is appropriate.

### **A. Product Verification Laboratory Employees**

The product verification lab is staffed by five employees: one laboratory technician, one physical technician, one senior quality laboratory technician, and two EFG technicians. All report to the PV (or metrology) lab supervisor, who reports in turn to the quality and engineering manager.<sup>4</sup> As noted above, the PV lab is situated in a building located at some distance from the main plant and the injection molding building.

The laboratory technician and physical technician conduct chemical and physical laboratory tests of materials, paints, and components for chemical composition, solvent content,

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<sup>3</sup> There is no history of collective bargaining for any of the employees at issue herein.

<sup>4</sup> The quality manager also oversees production maintenance, tooling, and special projects employees.

filler content and other characteristics. They analyze and document test data. Using a modified golf cart, the lab tech and physical tech drive from the Coreflex building to the plant to collect parts from the production floor. They spend approximately 30 minutes per day outside the PV lab engaged in collecting parts. Though they work independently of one another, the laboratory tech and physical tech are cross-trained. The lab tech and physical tech work eight-hour days that begin at 6:00 or 7:00 a.m. The positions require high school diplomas and are categorized as Tech IV on the Employer's wage scale.

The senior quality laboratory technician evaluates incoming and in-process materials or products to specification documentation to determine acceptance status and creates and maintains tracking databases. He also tracks "due status" and calibrates, collects, and reports records of various measurement instruments. He logs all incoming lots of paint and inspects and tests them to specifications, and performs special tests as requested by Quality Assurance engineers. The senior quality tech retrieves parts for testing from a designated collection area on the production floor. Occasionally, if parts are missing, he seeks assistance from production employees to obtain the parts. In addition, the senior quality lab tech reviews and interprets customer specifications to establish internal tests, frequencies, and documentation. The position requires an associate's degree and is classified as Tech IV.<sup>5</sup>

The EFG technicians measures products at various stages of the production process and compiles and evaluates statistical data to determine and maintain quality and reliability of products to customer specifications. They interpret engineering drawings, schematic diagrams and formulas and work with management and the Employer's engineering staff to determine quality and reliability standards. They also measure products for dimensional characteristics, using, among other devices, calipers, hand gauges, a coordinate measuring machine (CMM), a

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<sup>5</sup> Tech IV and V are considered specialized positions required additional in-house training.

Magna-Mike thickness measuring machine, and a Datamyte collector. The EFG techs record test data, evaluate such data, and prepare reports to validate or indicate deviations from existing standards. They may recommend modifications of quality or production standards to achieve optimum quality. The EFG technicians have no direct interaction with production or maintenance employees. Driving an oversized modified golf cart, they visit the main plant up to three times per day to retrieve parts for testing. They generally do not confer with production employees concerning work-related matters, but do consult the line coordinator concerning parts pickup. EFG technicians work 12:00-8:00 shift, which runs concurrently with one of the paint production shifts. The position is classified as Tech IV.

The evidence demonstrates a significant degree of functional integration and frequency of contact among the PV lab employees and other unit employees. The record reflects that PV lab employees spend significant time on the production floor retrieving manufactured product for testing. While they do not perform actual production work, the testing and analysis performed in the Employer's PV lab and their regular monitoring of the output of the injection molding and paint production departments are essential to the manufacturing process and assure compliance with customers' standards and specifications. PV lab employees perform different tasks than unit employees in the manufacturing process, but their work is critically related.

Though there is little evidence of the skill sets employed by production and maintenance employees, the record suggests that they differ considerably from those used by PV lab employees. Nonetheless, the evidence establishes that most PV lab employees were formerly employed on the production floor, as was their supervisor. PV lab positions require high school diplomas or associate degrees; training is primarily on-the-job.<sup>6</sup> PV lab employees are

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<sup>6</sup> PV lab positions do not require licensing, certification, or the use of independent judgment of the type usually acquired in college or technical school training. PV lab employees are not technical employees. See Audiovox Communications Corp., 323 NLRB 647 (1997).

encouraged to bid for production jobs.

PV lab employees and unit employees are subject to different first-line supervision. However, the PV lab supervisor reports to the quality and engineering manager, who also oversees maintenance, tooling and special projects employees, who are members of the petitioned-for unit. PV lab employees have no authority to halt production, nor do they discipline employees for product defects.

The record shows that there is no difference in benefits between unit employees and PV lab employees. PV lab employees are classified as Tech IV on the Employer's wage scale, as are some unit employees. All employees clock in at the same punch clocks. They share break rooms and parking facilities with unit employees. PV lab employees work eight-hour shifts like unit employees, and their working hours closely track two of the three production and maintenance shifts. Until shortly before the hearing in this matter, PV lab employees attended staff meetings with unit employees.

The product verification laboratory functions much like quality control, whose role the Board has found to be a vital part of the production process. Hogan Manufacturing, 305 NLRB 806, 807 (1991). The factors set forth above demonstrate a shared community of interest and favor a conclusion that the PV lab employees are properly included in the unit.

## **B. Production Assistants**

The paint production assistant (PA) reports to the general superintendent of paint operations. Her office is located on a hallway with the surface contaminant laboratory ("the dirt lab") in the paint operations wing. She is the only clerical employee in this area, but does not normally perform traditional clerical work for management. The injection molding production assistant reports to the general superintendent of injection molding operations. (Both superintendents report to the operations manager.) Her office is located in a group of offices

situated above floor-level in the injection molding building. She is the only clerical employee in this area. The PAs work eight-hour days on a flexible schedule that begins at about 6:00 to 6:30 a.m. They work five days per week, not the six-day operations schedule. Though administrative assistants working in the main plant wear business attire, PAs wear casual clothing. Both positions are classified as Tech III on the Employer's wage scale for hourly employees and receive the same benefits as other hourly employees. The PA position carries its own line code for payroll purposes.

On a daily basis, the PAs compile Overall Equipment Effectiveness reports and distribute them to management; update bumper production spreadsheets; and update vision boards and performance boards, which display information to various work teams. They also regularly maintain records related to robot performance; input data for various spreadsheets; and update BOS charts. As required, they train employees on the use of the Employer's intranet system and on the use of new operator instructions when issued. They perform periodic internal audits to monitor compliance with standardized quality systems and are responsible for completing purchase requisitions as requested.

Two of the PAs' duties require interaction with production employees – training employees on the Employer's intranet system and responding to employees' questions about revisions to work instructions. In addition, PAs walk the production floor to post daily reports. Occasionally employees stop PAs while on rounds to ask work-related questions and PAs sometimes consult with employees while collecting information for their reports. On rare occasions, for brief periods, production assistants may work in production doing assembly packing.

As the Board has stated, "the distinction between office clericals and plant clericals is not always clear." Hamilton Halter Co., 270 NLRB 331 (1984). The test generally is whether the



employee's duties are related to the production process rather than general office operations, and the distinction is grounded in community-of-interest concepts. Cook Composites & Polymers Co., 313 NLRB 1105 (1994).

The work of the production assistants is functionally integrated with the work of the warehouse employees. PAs make daily rounds of the production floor to post work-related information on vision boards and performance boards throughout the facility. They regularly train unit employees on the use of the Employer's intranet system, as well as use of updated or revised work forms and instructions. Occasionally, PAs work brief stints in the packing area of the production floor. They also process purchase requisitions for both managers and technicians. They wear casual clothing like that worn by unit employees instead of the business wear required by clericals in the administrative offices. The PAs' offices are located within the injection molding and paint departments, not in the administrative area in the main plant. They are directly supervised by the general superintendents of their respective departments, who act as second-line supervisors for unit employees. There is no evidence that PAs perform any of the duties typically associated with office clericals, such as payroll, billing, answering telephones, and mail. PAs receive the same benefits as all other hourly employees. The positions are classified as Tech III employees and require a high school diploma.

These factors favor a conclusion that the two production assistant employees are plant clericals properly included in the unit. In reaching this conclusion I rely particularly on the evidence that the PAs' principal duties and functions relate to the production process rather than general office operations and that they spend all their time in plant production areas. Because production assistants share a strong community of interest with the production and maintenance employees, I include them in the unit.

### **III. CONCLUSIONS AND FINDINGS**

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer employed at the Employer's Americus, Georgia facility.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act.

All full-time and part-time production and maintenance employees, including production assistants and product verification employees, at its Americus, Georgia facility, excluding the paint process technician, quality technician, shipping clerk, office clerical employees, professional employees, sales employees, guards and supervisors as defined by the Act.

### **IV. DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by United Steelworkers of America.

The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

**A. Voting Eligibility**

Eligible to vote in the election are those in the unit who are employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike that have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are: (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began; and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

**B. Employer to Submit List of Eligible Voters**

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969). Accordingly it is hereby directed that within seven (7) days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full

names and addresses of all the eligible voters. North Macon Health Care Facility, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized. This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election, only after I shall have determined that an adequate showing of interest among the employees in the unit found appropriate has been established.

To be timely filed, the list must be received in the Regional Office, Suite 1000, Harris Tower, 233 Peachtree Street, N.E., Atlanta, Georgia 30303, on or before May 24, 2005. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (404) 331-2858. Since the list will be made available to all parties to the election, please furnish a total of two copies, unless the list is submitted by facsimile in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

### **C. Notice Posting Obligations**

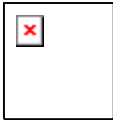
According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. Club

Demonstration Services, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

#### **V. RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, DC 20570-0001. This request must be received by the Board in Washington by 5:00 P.M., (EDT) on May 31, 2005. The request may not be filed by facsimile.

Dated at Atlanta, Georgia, on this 17<sup>th</sup> day of May, 2005.



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